

REMARKS

I. Preliminary Remarks

Claims 17-39 are added by this response. Accordingly, claims 1-39 are now pending. Applicants wish to express their appreciation to the Examiner for his time in the April 1, 2003 telephone interview. The following remarks are in accordance with the material discussed in the telephone interview.

Claims 1-39 were rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 because the original oath/declaration failed to identify at least one error to support the reissue application. In response, a supplemental re-issue application declaration is provided with this response to overcome the rejection. The supplement declaration identifies at least one error in claim 15, which claimed less than the patentees had a right to claim. Accordingly, Applicants respectfully submit that the rejection to the original reissue oath/declaration should be withdrawn.

Newly submitted claims 17-39 with the original reissue application were not examined because of informalities. In addition, the Examiner requested that the Applicants resubmit a copy of the original patent specification in accordance with 37 CFR 1.173(b)(1) requirements. In response, a copy of the original patent specification is resubmitted in double column format with the amendment to the specification in accordance with 37 CFR 1.173(b)(1). With regard to the unexamined new claims 17-39, they are resubmitted in this response with underlines as required by 37 CFR 1.173(b)(2). In addition, a separate sheet is submitted with this response indicating the status of all claims. Accordingly, Applicants respectfully submit that the objections to the new claims 17-39 and the specification be withdrawn.

Claims 1-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Matchett et al., (U.S. Patent No. 5,229,764). In addition, claims 2-13 were rejected under 35 U.S.C. 103(a) as being obvious in view of Matchett et al., alone.

Applicants respectfully traverse the rejections.

Beginning on column 4, line 55 of the '764 Patent, Matchett discloses the invention as including the following basic steps:

1. The recording of a particular user's relevant biometric characteristics and data.
2. The storage of such data for future reference.
3. The taking of new biometric data, corresponding to that taken at step (1) above, from a prospective user as he or she attempts to use a protected system or device.
4. The comparison of new biometric data to the user's reference biometric data.
5. The acceptance or rejection of the user based upon the results of comparison.
6. The continuous (intermittent and/or unpredictable) repetition of steps 3, 4, and 5, so long as the protected system or device is in use.
7. The rejection of the user and shutdown of the system if at any time during use the user fails more than a prescribed number of comparison tests.

As discussed above, Matchett is directed to storing biometric data of a prospective user so that when the user later attempts to gain access to the protected system, the system compares the stored biometric data to the user's biometric data to determine if there are similarities to allow access to the protected system. Accordingly, Matchett monitors the biometric data of the user but not the area around the user to determine if there are infringement situations where at least one person other than the user is within a certain area of the user.

In contrast to Matchett, one aspect of the claimed invention is directed to providing security for the user by detecting whether a non-user (another person other than the user) infringes the security of the user. For example, this can be done by monitoring the area around the user to determine if another person is within the area of the user. Matchett, however, does not disclose, teach, or suggest monitoring the area around the user for security purposes.

In independent claim 1, Matchett does not teach or suggest, *inter alia*, "infringement situation decision means for deciding that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input image..." With regard to the dependent claims 2-12, Matchett does not teach or suggest a "service control means" as recited in claims 2-5 and 8-12, and the "person discrimination means" as recited in claims 6 and 7.

In independent claims 13 and 14, Matchett does not teach or suggest, inter alia, “infringement situation decision means for detecting whether a non-user intrudes into a use area of the service to decide whether the service is infringed...”

In independent claim 15, Matchett does not teach or suggest, inter alia, “deciding that the user is not under a situation to use the service in case the user is not recognized in the input image...”

In independent claim 16, Matchett does not teach or suggest, inter alia, “instruction means for causing a computer to decide that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input image...”

Accordingly, independent claim 1, along with its dependent claims 2-12, and independent claims 13, 14, 15, and 16, are allowable over Matchett.

With regard to resubmitted new claims 17-39, Matchett does not teach or suggest the claimed invention for the following reasons:

In independent claim 17, Matchett does not teach or suggest, inter alia, “a recognition unit configured to recognize the user as an authorized user from the input images, and to recognize at least one person other than the authorized user from the input images...” With regard to dependent claims 18-28, Matchett does not teach or suggest the “service control unit” recited in dependent claims 18-21 and 24-28; and the “recognition unit” recited in claims 22 and 23.

In independent claim 29, Matchett does not teach or suggest, inter alia, “an intrusion situation decision unit configured to decide whether a non-user intrudes into the service area in accordance with recognition result of said person recognition unit...” In addition, Matchett does not teach or suggest the “service control unit” recited in the dependent claims 30-37.

In independent claim 38, Matchett does not teach or suggest, inter alia, “controlling the supply of the service to the authorized user when the person other than the authorized user is recognized in the input images.”

In independent claim 39, Matchett does not teach or suggest, *inter alia*, "an instruction unit to control the supply of the service to the authorized user when the person other than the authorized user is recognized in the input images." Accordingly, pending claims 1-39 are allowable over Matchett.

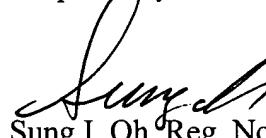
II. Conclusion

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over the cited and applied references and are in condition for allowance. Reexamination and reconsideration of the application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicants' undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicants respectfully request that this paper be considered a petition therefore.

Respectfully submitted,



Sung I. Oh, Reg. No. 45,583
Attorney for Applicants

Squire, Sanders & Dempsey, LLP
810 South Figueroa, 14th Floor
Los Angeles, CA 90017
Telephone: (213) 689-5176
Facsimile: (213) 623-4581

Los Angeles/111150.1